

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN SECTION OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE, DEONTAE TATE, JEREMY S.)	Case No. 2:16-cv-2907-
MELTON, ISSACCA POWELL, KEITH BURGESS,)	SHM/tmp
TRAVIS BOYD, TERRENCE DRAIN, and)	
KIMBERLY ALLEN on behalf of themselves and all)	(Hon. Judge Samuel H. Mays)
similarly situated persons,)	
)	
PLAINTIFFS,)	
v.)	
)	
BILL OLDHAM, in his individual capacity as former)	
Sheriff of Shelby County, Tennessee; FLOYD)	
BONNER, JR., in his official capacity as Sheriff of)	
Shelby County, Tennessee; ROBERT MOORE, in his)	
individual capacity as former Jail Director of Shelby)	
County, Tennessee; KIRK FIELDS, in his official)	
capacity as Jail Director of Shelby County, Tennessee;)	
CHARLENE MCGHEE, in her individual capacity as)	
former Assistant Chief of Jail Security of Shelby County,)	
Tennessee; REGINALD HUBBARD, in his official)	
capacity as Assistant Chief of Jail Security of Shelby)	
County, Tennessee; DEBRA HAMMONS, in her)	
individual capacity as former Assistant Chief of Jail)	
Programs of Shelby County, Tennessee; TIFFANY)	
WARD in her official capacity as Assistant Chief of Jail)	
Programs of Shelby County, Tennessee; SHELBY)	
COUNTY, TENNESSEE, a Tennessee municipality;)	
TYLER TECHNOLOGIES, INC., a foreign corporation;)	
GLOBAL TEL*LINK CORPORATION, a foreign)	
corporation; SOFTWARE AG USA, INC., a foreign)	
corporation; and SIERRA-CEDAR, INC., a foreign)	
corporation, SIERRA SYSTEMS GROUP, INC., a)	
foreign corporation; and TETRUS CORP, a foreign)	
corporation)	
DEFENDANTS.)	

**JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS, APPROVAL OF
THE PROPOSED NOTICE OF SETTLEMENT, AND CLASS ACTION SETTLEMENT
PROCEDURES (“PRELIMINARY APPROVAL MOTION”)**

Plaintiffs Scott Turnage, Deontae Tate, Jeremy S. Melton, Aubrey L. Brown, as administrator ad litem of the estate of Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen, on behalf of themselves and all other similarly situated persons (“Plaintiffs”), by and through their Rule 23(g)(3) appointed Interim Class Counsel, and Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, in their individual and/or official capacities, and Shelby County, Tennessee (“County Defendants”), and Tyler Technologies, Inc., Global Tel*Link Corporation, Software AG USA, Inc., Sierra-Cedar, Inc., Sierra Systems Group, Inc., and Tetrus Corp. (the “Vendor Defendants”) (collectively, the County Defendants and Vendor Defendants are referred to herein as the “Defendants”), by and through their respective attorneys, respectfully move for preliminary approval of the settlement of this class action as provided herein.

Through this Motion, Plaintiffs and Defendants seek preliminary approval of the terms of the Stipulation and Settlement Agreement dated April 2, 2021 (the “Settlement”), a fully executed copy of which is attached hereto as **Exhibit No. 1** (along with Exhibits A – E attached thereto). For the reasons set forth below, the proposed Settlement is fair, reasonable, adequate and in the best interests of the Class Members, and it warrants this Court’s preliminary approval. The Parties seek the Court’s preliminary approval of this Settlement under Federal Rule of Civil Procedure (“Rule”) 23(e)(1) so that notice of the Settlement can be disseminated to the Class and the Final Approval Hearing scheduled. At the Final Approval Hearing, the Court will have before it additional submissions in support of the Settlement, as well as any objections that may be filed, and will be asked to determine whether, in accordance with Rule 23(e)(2), the Settlement is fair, reasonable, and adequate.

The Settlement Class is comprised of all individuals who, from November 1, 2016 to the date of the Final Approval Hearing, were detained in confinement at the Shelby County Jail after legal authority for those detentions ceased as a result of the November 2016 implementation of a computer system that allegedly contributed to the untimely release of detainees (the “Settlement Class”). The Defendants will collectively pay a Gross Settlement Amount of \$4,900,000. Class Members who submit approved claims shall be entitled to (i) \$750 per day for each day of Over Detention between 1 and 3 days; (ii) \$1,000 per day for each day of Over Detention between 4 and 11 days; and (iii) \$2,500 per day for each day of Over Detention of 12 or more days. No Class Member shall be eligible to receive more than \$75,000 total from the Net Settlement Amount.

For the reasons set forth herein and in the Memorandum filed in support of this Motion, the Settlement is reasonable and in the best interests of the Class Members. The Parties respectfully request that the Court enter the proposed Preliminary Approval Order attached as Exhibit D to the Settlement. More specifically, the parties request that the Court do the following:

- (1) Preliminarily approve of the Settlement as fair, reasonable, adequate and in the best interests of the Class Members;
- (2) Preliminarily certify, for purposes of settlement only, the Settlement Class;
- (3) Preliminarily appoint Interim Class Counsel as Settlement Class Counsel and approve of compensation for Class Counsel as contemplated by the Settlement;
- (4) Preliminarily appoint the named Plaintiffs as Class Representative Plaintiffs and approve of Incentive Awards as contemplated by the Settlement;
- (5) Approve of the issuance of Class Notice to Class Members via publication and determine that such Notice complies with all requirements, including, but not limited to, Rule 23 of the Federal Rules of Civil Procedure and the Due Process Clause of the United States Constitution;

- (6) Approve of the form of notice provided pursuant to the Class Action Fairness Act as reasonable and appropriate under the circumstances;
- (7) Approve of and designate CMM Settlement Solutions as the Administrator and order that firm to disseminate, in accordance with the terms of the Settlement and Preliminary Approval Order, the Class Notice;
- (8) Require Class Members who wish to object to the Settlement to submit a timely written objection by a deadline and advise that a failure to do so shall prevent those Class Members from objecting to the Settlement;
- (9) Require any Class Member who objects to the Settlement and wishes to appear at the Final Approval Hearing to file a notice of intent to appear;
- (10) Set a Claim Deadline and a deadline and procedure by which Class Members can opt out or exclude themselves from the Settlement Class;
- (11) Authorize the Parties to take all necessary and appropriate steps to implement the Settlement; and
- (12) Schedule a Final Approval Hearing.

Dated: May 12, 2021

Respectfully submitted,

s/ Michael G. McLaren

Michael G. McLaren (#5100)
William E. Cochran, Jr. (#21428)
Brice M. Timmons (#29582)
BLACK McLAREN JONES RYLAND & GRIFFEE PC
530 Oak Court Drive, Suite 360
Memphis, TN 38117
(901) 762-0535 (Office)
(901) 762-0539 (Fax)
Email: mmclaren@blackmclaw.com
Email: wcochran@blackmclaw.com
Email: btimmons@blackmclaw.com

s/ Frank L. Watson, III

Frank L. Watson, III (Tenn. Bar No. 15073)
William F. Burns (Tenn. Bar No. 17908)
William E. Routt (Tenn. Bar No. 28577)
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
Email: fwatson@watsonburns.com
Email: bburns@watsonburns.com
Email: wroutt@watsonburns.com

s/ Brice M. Timmons

Brice M. Timmons (TN Bar #29582)
DONATI LAW, PLLC
1545 Union Ave.
Memphis, TN 38104
(901) 209-5500
(901) 278-3111
Email: brice@donatilaw.com

Counsel for the named Plaintiffs and Court Appointed Rule 23(g)(3) Interim Class Counsel for the putative Class Members

s/ Robert E. Craddock

Robert E. Craddock, Esq.
Odell Horton, Jr., Esq.
Megan M. Cox, Esq.
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120
(901) 537-1000
Email: rcraddock@wyattfirm.com
Email: ohorton@wyattfirm.com
Email: mcox@wyattfirm.com

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

s/ Emmett Lee Whitwell

Emmett Lee Whitwell, Esq.
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street
Suite 950
Memphis, TN 38103
(901) 222-2100
Email: lee.whitwell@shelbycountyttn.gov

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

s/ Bradley E. Trammell

Bradley E. Trammell, Esq.
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
(901) 577-2121
Email: btrammell@bakerdonelson.com

Counsel for Defendant Tyler Technologies, Inc.

s/ Beth Bivans Petronio

Beth Bivans Petronio, Esq.
K&L GATES, LLP
1717 Main Street
Suite 2800
Dallas, Texas 75201
(214) 939-5815
Email: beth.petronio@klgates.com

Counsel for Defendant Tyler Technologies, Inc.

s/ Douglas F. Halijan

Douglas F. Halijan, Esq.
William David Irvine, Esq.
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103-2217
(901) 524-5000
Email: dhalijan@bpjlw.com
Email: wirvine@bpjlw.com

Counsel for Defendant Software AG Cloud Americas, Inc.

s/ R. Brandon Bundren

R. Brandon Bundren, Esq.
James L. Murphy, Esq.
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, TN 37203
(615) 252-4647
Email: bbundren@bradley.com
Email: jmurphy@bradley.com

Counsel for Defendant Global TelLink Corporation

s/ Albert G. McLean

Albert G. McLean, Esq.
Kevin David Bernstein, Esq.
SPICER RUDSTROM PLLC
119 S. Main Street, Suite 700
Memphis, TN 38103
901-522-2324
Email: amclean@spicerfirm.com
Email: kdb@spicerfirm.com

Counsel for Defendant Sierra-Cedar, Inc.

s/ Robert A. McLean

Robert A. McLean
Garrett M. Estep
FARRIS BOBANGO BRANAN PLC
999 S. Shady Grove Road, Suite 500
Memphis, TN 38120
(901) 259-7100
rmclean@farris-law.com
gestep@farris-law.com

Counsel for Defendant Tetrus Corp.

s/ Heather Gwinn-Pabon

Heather Gwinn-Pabon
Erin McDaniel
**GORDON REES SCULLY
MANSUKHANI**
3401 Mallory Lane, Suite 120
Franklin, TN 37067
hgwinn@grsm.com

*Counsel for Defendant Sierra Systems Group,
Inc.*